

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Linda C. Parker	
	Debtor
<hr/>	
PNC BANK NATIONAL ASSOCIATION,	
	Movant
v.	
Linda C. Parker	
	Respondent
<hr/>	

BK. NO. 18-20971 CMB

CHAPTER 11

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Date: August 14, 2020

/s/ James C. Warmbrodt, Esquire

James C. Warmbrodt, Esquire

jwarmbrodt@kmlawgroup.com

Attorney I.D. No. 42524

KML Law Group, P.C.

701 Market Street, Suite 5000

Philadelphia, PA 19106

Phone: 215-627-1322

Attorney for Movant/Applicant

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Linda C. Parker

Debtor

PNC BANK NATIONAL ASSOCIATION,

Movant

v.

Linda C. Parker

Respondent

BK. NO. 18-20971 CMB

CHAPTER 11

**MOTION OF PNC BANK NATIONAL ASSOCIATION,
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362 PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, KML Law Group, P.C., hereby requests a termination of the Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor.

1. Movant is PNC BANK NATIONAL ASSOCIATION.
2. Debtor, Linda C. Parker, is the owner of the Property at 626 James Drive, Belle Vernon, PA 15012 ("Property").
3. Movant is the holder of a mortgage dated November 17, 2007 in the original principal amount \$192,000.00, which is secured by the Property. Said mortgage was recorded on November 20, 2007 at Instrument No. 200711200054137. Documentation attached hereto as Exhibit A is provided in support of right to seek a lift of stay and foreclose if necessary.
4. Movant has instituted or wishes to institute foreclosure proceedings on the Mortgage because of Debtor's failure to make the monthly payment required under the terms of the Mortgage.
5. Pursuant to the terms of the Plan confirmed on September 11, 2019, Debtor has applied for loan modification. After review of the application and supporting documents provided, said application was denied by Movant on August 7, 2019.
6. As of August 4, 2020, the total amount due to pay off the Mortgage is \$191,126.28.

7. Debtor has failed to make the monthly payments of \$1,500.43, for the months of June 2020 through August 2020 and incurred additional fees totaling \$195.00.
8. The amount necessary to reinstate the loan, less suspense balance of \$895.58, is \$3,800.71.
9. According to Debtor's schedules, the fair market value of the Property is \$110,000.00.
10. The Senior Lien Holders on the Property are none.
11. The Junior Lien Holders on the Property are none.
12. The foreclosure proceeding filed or to be instituted were stayed by the filing of the instant bankruptcy petition.
13. The debtor has no or inconsequential equity in the Property.
14. Movant has cause to have the automatic stay terminated pursuant to 11 U.S.C. § 362(d).
15. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant respectfully requests that this Court enter an Order modifying the Automatic Stay under Section 362 with respect to the Property as to permit Movant to foreclose its Mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal action for enforcement of its right to possession of the Property.

Date: August 14, 2020

/s/ James C. Warmbrodt, Esquire

James C. Warmbrodt, Esquire

jwarmbrodt@kmlawgroup.com

Attorney I.D. No. 42524

KML Law Group, P.C.

701 Market Street, Suite 5000

Philadelphia, PA 19106

Phone: 412-430-3594

Attorney for Movant/Applicant